



**State Health Services Council  
Telephone Conference Call Meeting  
July 14, 2015  
9:00 a.m.  
Minutes**

**Public Access Meeting Site:**  
Texas Department of State Health Services  
Moreton Building  
Public Hearing Room, M100  
1100 West 49<sup>th</sup> Street  
Austin, TX

**VIA TELEPHONE CONFERENCE CALL MEETING**

Council members on Conference Call:

Jacinto Juarez, Ph.D., Laredo – Chair  
Dr. Kirk Calhoun, Tyler  
Dr. Lewis Foxhall, Houston  
Rev. William Lovell, Dallas  
Carmen Pagan, McAllen  
Nancy Townes, Granbury  
Dr. Jeffrey Ross, Houston  
Jay Zeidman, Houston

Council members not participating on Call:

Dr. David Woolweaver, Harlingen

Visitors:

Aaron Kleinschmidt – 823 Congress  
Jennifer Deegan – University of Texas Health Science Center  
GK Sprinkle – Texas Ambulance Association  
Eugene Toy – Perinatal Advisory Council  
Greg Hensch – National Alliance on Mental Illness of Texas  
Jenny Goendil – University of Texas Southwestern Medical Center  
Jennifer Banda – Texas Hospital Association

Call to Order - Council Chair, Dr. Jacinto Juarez called the meeting to order at 9:04 a.m.

1. Approval of February 26, 2015 Minutes - Dr. Juarez asked for a motion to approve the minutes of the February 26, 2015 meeting. Motion was made by Rev. Lovell, seconded by Dr. Ross. Motion passed.

2. Commissioner's Report - Interim Commissioner Cole provided the Commissioner's report on the following topics:
- Executive Commissioner transition – Dr. Janek left the Health and Human Services Commission at the end of June; Chris Traylor was appointed as the new Executive Commissioner.
  - Highlights of the 84<sup>th</sup> Legislative Session – In the 83<sup>rd</sup> Legislative Session, 6379 bills were filed and DSHS tracked 853. In the 84<sup>th</sup> Legislative Session, 6630 bills were filed and DSHS tracked 983.
  - Terrell State Hospital Procurement
  - State Hospital System Plan
  - Substance Abuse Treatment Request for Proposal
  - Ebola Monitoring
  - Mosquito Season – Arbovirus update
  - Hurricane Season – response to severe weather
  - Blue Bell Update
  - Newborn Screening Expansion
  - Tobacco Initiative
  - Abortion Facility Requirements
  - Supreme Court Decision Impacting Marriage Licenses

The council members had the following questions and comments:

- Rev. Lovell: How the transition of the council will be handled?  
Response: Based on the timeline in SB 200, agency advisory councils will go away in August 2016. While there has been some preliminary work, much is still to be determined. There will be more discussion and information on how we are going to implement the broader impact of this legislation. There will be a legislative task force appointed to have input on this transition. We plan to have more information at September meeting.
- Rev. Lovell: Will June 2016 be the last meeting of the council?  
Response: It may be, but that is still to be determined. It will be clearer as the transition plans unfold.
- Rev. Lovell: What is the impact of the Supreme Court decision on the marriage licensing function of DSHS? Has this been coordinated with the Office of the Attorney General (OAG)?  
Response: Yes, we have to look at the issues and implications around how the Supreme Court ruling affects those functions. There are also issues impacting birth certificates, benefits, and survivor benefits; we will continue to work with the OAG on those issues.
- Rev. Lovell: Have you received completed marriage certificate forms in your office?  
Response: Yes, we have received a number of them, but we are not tracking numbers.
- Rev. Lovell: In advance of next meeting, can we get information on the number of forms received?  
Response: Yes, we will work on getting that information for council members.
- Dr. Foxhall: Expressed his thanks for a successful session and his appreciation for the focus on tobacco. It is frustrating that funding for tobacco control is not at the Centers for Disease Control and Prevention standards. He encourages DSHS to reach out to other organizations in addressing this issue of leverage. MD Anderson is very interested in helping address this issue.
- Dr. Foxhall: How will the bill relating to the Human Papillomavirus be implemented?  
Response: DSHS is in the process of taking stock of what legislation passed and beginning internal planning to implement. We will be engaging with external partners on implementation to

work on a strategic plan related to cervical cancer. We will have more information at a future meeting.

- Dr. Foxhall: There have been reports that Blue Bell had identified bacterial contamination several years ago. What is in the food safety rules regarding reporting requirements?

Response: There are some reporting requirements, but there was nothing in the rules that required testing the final product. Previously, there was less concern about frozen desserts in general. If the report was preliminary and the facility was dealing with the situation, there was not an investigation conducted. If it was confirmed and an investigation was warranted, then it became reportable. DSHS is looking at frozen desserts more broadly and the regulations around those. Our agreement with Blue Bell was specifically designed to try to address some of those issues as they come back on line. We asked to know about preliminaries so that we can be there and focused on those issues. We are looking to address the bigger, long-term issues across that industry as we look at our standards regarding frozen desserts.

- Dr. Foxhall: As a result of this, will there be further changes for our rules or oversight in the industry?

Response: Yes, we will continue working on this. We have identified testing as one area.

- Dr. Ross: In the future, when bills come to DSHS, what will the oversight be if there is no council in place? When council members were interviewed by the Sunset Commission, they made the importance of their voices clear. Will an executive committee be able to efficiently, adequately, and professionally make those recommendations such as the council that is in place at this time does?

Response: SB 200 mandated an Executive Council chaired by the Executive Commissioner that includes the division directors. It also allows the Executive Commissioner to appoint other members as he deems appropriate. Executive Commissioner Traylor has made a clear statement that we do need and value stakeholder input in order to do our business.

3. Review of 84<sup>th</sup> Legislative Session – Chief Financial Officer Bill Wheeler and Center for Policy and External Affairs Director Ricky Garcia provided a summary on the recent legislative session. The full presentation can be found at: <http://www.dshs.state.tx.us/council/default.shtm>.

The council members had the following questions and comments:

- Kirk Calhoun: Regarding the item to prevent and treat sexually transmitted diseases (STDs) was that additional money or was that a loss of funding?

Response: Yes, this is additional funding. We are going to focus on areas that have a higher burden of STDs.

- Kirk Calhoun: How much do we have available this next biennium to deal with STDs?

Response: We will need to provide that information later. There are multiple strategies where the funds are collapsed together.

- Kirk Calhoun: Since we did not get as much as we wanted for life safety issues in state hospitals, what strategy will be used to utilize the funds that we did receive?

Response: We will go through a prioritization based on the list presented. We will look at those needs that tie into accreditation or Centers for Medicare and Medicaid certification. It is incumbent on us to get the best value, not the cheapest, to address life safety needs.

- Kirk Calhoun: It is difficult for people who do not operate health facilities to understand how expensive information technology (IT) systems are to operate. These needs are critical and grow more critical every day. How can we convince the legislature the importance of IT in healthcare?

Response: We cannot implement a system with only part of the funding. We need to make it clear what is needed and start early to educate on this topic.

- Dr. Foxhall: There are challenges with cyber security. In looking at IT, how comfortable are we with security measures that are in place for the agency? What are we doing with the health related information. We are the custodians of important health information.

Response: Cyber security is very important to us. It is critical that we keep systems updated, including the latest versions and latest patches. We received some funding for an enterprise item to look at the use of storage options. There are some activities that have to happen at the Health and Human Services system level to make sure our systems are secure. Protection of our systems in paramount and we have to be very vigilant about this.

4. Recommend to the Health and Human Services Commission the proposal of the following rule action for public comment.

- a. Amendments to rules concerning the control of communicable diseases. Assistant Commissioner Janna Zumbrun introduced the rule and Rachel Weisman provided the rule overview.

The council members had no questions or comments. There was no public comment. Motion to approve sending the rule to HHSC for approval for public comment was made by Kirk Calhoun, seconded by Nancy Townes. Motion approved.

5. Rules Planned for Action at a Future Council Meeting

- a. New rules concerning the neonatal level of care designation for hospitals. Assistant Commissioner Kathy Perkins introduced the rule and Jane G. Guerrero provided the rule overview.

The council members had the following questions and comments:

- Nancy Townes: Is the survey to determine what training that is needed, or is it to determine what the facility needs?  
Response: The survey is to determine the compliance with the rules. Staff would go into the facility to verify compliance in the facility with our rule.

Public comment provided by Dr. Eugene Toy in support of the rule.

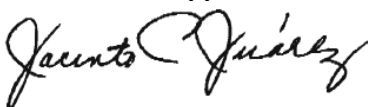
6. Consolidation and Repeal of Certain DSHS Procurement and Contracting Rules - Lisa Hernandez provided the explanation of the consolidation and repeal of these rules.

The council members had no questions or comments

7. General Public Comment - Dr. Juarez asked for general public comment. There was no general public comment.

Adjourn - Dr. Juarez asked for a motion to adjourn. Motion made by Dr. Ross, seconded by Rev. Lovell. Motion approved. Meeting adjourned at 11:02 a.m.

Reviewed and approved:



September 10, 2015

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Jacinto Juarez, Ph.D.  
Council Chair

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Date